



Federal Bar Association

Policy 1-23: Issuing Public Statements

Approved By: Board of Directors

Date Approved: March 28, 2025

Date Effective: March 28, 2025

Policy:

Purpose: The purpose of this policy is to provide guidelines for determining when the Federal Bar Association (FBA) should issue a public statement. This policy reflects the FBA's commitment to advancing its mission and serving the interests of its members while remaining nonpartisan.

The Board of Directors may issue public statements on behalf of the FBA on matters that:

- Directly relate to the FBA's mission of strengthening the federal legal system and administration of justice by serving the interests and the needs of the Federal practitioner, both public and private, the federal judiciary and the public they serve;
- Impact federal practitioners, the federal judiciary, or the rule of law; and
- Align with the FBA's established objectives and policy priorities.

The FBA will avoid issuing statements on matters that are unrelated to its mission or that fall outside its areas of expertise. All statements must comply with the FBA's Constitution, Bylaws, established policies, and advocacy priorities. All public statements on behalf of the FBA will require majority approval of the Board of Directors.

The Board of Directors will strive to reference and reinforce previous established positions or policies and will refrain from issuing duplicative or conflicting statements. New statements will be considered only if the issue significantly affects the FBA's members or their professional responsibilities. The Board of Directors may seek input from its committees, sections, divisions, or chapter leaders as appropriate. The FBA will refrain from taking public positions on issues where significant disagreement may exist among members. The FBA will also avoid taking partisan positions or engaging in public debates that could compromise its nonpartisanship.

The Board of Directors may consider issuing a statement if the request is made by a chapter, section, division, national committee, law student chapter, or from a member of the Board of Directors. Requests for statements must be made in writing and sent to the President or CEO via email to president@fedbar.org.

Eligible constituents requesting that a public statement be issued should provide information sufficient for the Board of Directors to evaluate the issue being addressed and the comment sought, including:

- A description of the issue upon which position or comment is sought;
- Provide a proposed statement on the issue along with relevant background information and materials. The information should include, but is not limited to, identifying opposing viewpoints and the sources or groups likely to present those counter-positions;
- An explanation as to why the constituent(s) believes the FBA should issue a public statement on this issue;
- A discussion of alternatives to a public statement by the FBA and why those other means are insufficient; and
- A timeline, if applicable, on which the issue is being considered, and when a statement must be issued to be relevant in weighing-in on the issue.

Prior to issuing any statement and where applicable, the Board of Directors will evaluate a series of considerations, including, but not limited to:

- Does issuing a statement serve or enhance the FBA's mission and general objectives?
- Does the statement take a partisan position, might it be perceived as partisan, or could it compromise the FBA's nonpartisanship?
- Will the statement enhance or harm the FBA's credibility and reputation?
- Will the statement impact the FBA's relationships with its members, sponsors, partners, and other stakeholders?
- Does the statement provide accurate, factual, and nonpartisan information relevant to the federal legal community?
- Does the statement advocate for the rule of law, judicial independence, or other core FBA policy priorities, and does it comply with Policy 1-15?

- Is another entity in a better position to address the issues and/or has the issue already been adequately addressed by another entity?
- Will issuing the statement demonstrate leadership by the FBA or will the absence of a statement by the FBA demonstrate a lack of leadership?

Although the Board of Directors will endeavor to review and vet proposals in a reasonably timely fashion, the Board also recognizes that some issues may require more time than others.

If a public statement is deemed unnecessary, the President or President's designee will notify the requestor. When the Board of Directors deems it appropriate, the Board may take alternative action such as, but not limited to:

- Communicating internally with members through the FBA's communication channels.
- Providing educational resources, such as webinars or articles, to inform members about the issue.